

FISCAL NOTE

HB 3423 - SB 3355

March 1, 2004

SUMMARY OF BILL: Enacts the Municipal Court Reform Act which includes the following provisions:

- Allows a municipal court to have jurisdiction over a law or ordinance that mirrors a state criminal offense only if the maximum penalty prescribed by state law is a fine of less than \$50.00, confinement for 30 days or less, and a maximum civil fine not to exceed \$50.00.
- Allows a municipal court to have concurrent jurisdiction with a general sessions court only if the court possessed and exercised concurrent jurisdiction prior to May 11, 2003.
- Requires court costs to be set and collected by ordinance. From court costs, a \$1.00 fee will be collected and forwarded to the state and will be credited to the Administrative Office of the Courts to defray expenses to provide training for municipal court judges. If the municipal court exercises concurrent jurisdiction with the general sessions courts, this provision does not apply.
- Provides that contempt of municipal court shall be punishable by fine in the amount of \$50.00 or less.
- Allows judgments from municipal courts to be appealed within 10 days upon giving bond in the amount of \$250 for such person's appearance.
- Prohibits municipal court judges from holding any other office or employment with the municipality. Exempts those judges currently serving; however, if the judge or municipal employee discontinues acting as judge, the exemption no longer applies.
- Requires each judge of a municipal court to attend at least three hours of training and continuing education each year. Failure to comply shall render all subsequent judgments null and void until the requirement is met. The judge's expenses for attending training will be paid by the municipality.
- Requires the clerk of each municipal court to attend three hours of training provided by or with the approval of the Municipal Technical Advisory Service of the University of Tennessee Institute of Public Service. The clerk's expenses for attending training will be paid by the municipality.
- Requires the clerk of the court to maintain accurate and detailed records and reports of all financial transactions and submit to annual audit.
- Sets out procedures and requirements that must be met to establish a municipal court with concurrent general sessions jurisdiction after May 12, 2003.
- Adds a representative from the municipal court judges to be a member on the Judicial Council.
- Adds a representative from the municipal court judges, appointed by the Supreme Court, to be a member of the Tennessee Court of the Judiciary.
- Creates the Tennessee Municipal Judges Conference, which will meet annually.
- Limits the primary responsibility for enforcement of laws on the interstate highways in counties with population of fewer than 50,000 to the Tennessee Highway Patrol unless specifically requested by the highway patrol.
- Deletes conflicting provisions governing the jurisdiction of municipal courts and collection of fees. Relocates some provisions for clarification.

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ESTIMATED FISCAL IMPACT:

Increase State Revenues - Exceeds \$100,000/Earmarked
Increase State Expenditures - Exceeds \$100,000

Increase Local Govt. Expenditures - Exceeds \$100,000 Over Time
Decrease Local Govt. Revenues - Less than \$100,000

Estimate assumes:

- Municipalities will pay additional travel expenses for some clerks to attend training that have not previously attended;
- Municipalities will pay additional travel expenses for some judges to attend conferences/training that they have not previously attended;
- When a current official or employee is acting as judge, and the official or the employee is no longer acting as judge, a new judge will require additional compensation;
- The Administrative Office of the Courts will receive funds from the \$1.00 court costs earmarked to provide training to the municipal judges resulting in an increase in state revenues and expenditures;
- Municipalities with a population less than 50,000 that currently enforce traffic violation on the interstate highways will have a decrease in local revenues from fines unless the highway patrol specifically requested the municipality to enforce such laws;
- There will be a shift in local government revenues and expenditures between county and city governments if the provisions of the bill result in limiting the jurisdiction currently exercised by existing municipal courts. Creation of any new municipal courts, new municipal courts with general sessions jurisdiction, or new general sessions courts will also result in redistribution of local government expenditures for processing caseloads and revenues from the fees, taxes, and fines collected.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director